


Approved: 
SARAH L. KUSHNER
Assistant United States Attorney

Before: THE HONORABLE JAMES L. COTT
United States Magistrate Judge
Southern District of New York

- - - - -	X	20 MAG 9338
	:	<u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA	:	
- v. -	:	Violations of
	:	18 U.S.C. §§ 922(g)(1),
DONALD WILLIAMS,	:	924(a)(2), and 2
	:	
Defendant.	:	COUNTY OF OFFENSE:
	:	BRONX
- - - - -	X	

SOUTHERN DISTRICT OF NEW YORK, ss.:

KENNETH MACCALLA, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Felon in Possession of Ammunition)

1. On or about May 1, 2020, in the Southern District of New York and elsewhere, DONALD WILLIAMS, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess ammunition for a firearm, to wit, two cartridge casings, .380 caliber, Winchester, and the ammunition was in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Detective with the NYPD and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with other law enforcement officers and witnesses, as well as my examination of

reports, records, and video surveillance. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of criminal history records, I have learned, among other things, that on or about August 16, 2011, DONALD WILLIAMS, the defendant, pleaded guilty in the Northern District of New York to conspiracy to distribute and possess with the intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A) and 846, which is a felony that carries a maximum term of imprisonment of life. On or about April 9, 2012, WILLIAMS was sentenced to 120 months' imprisonment; on or about April 14, 2015, WILLIAMS's sentence was reduced to 108 months' imprisonment in light of a retroactive change to the United States Sentencing Guidelines.

4. Based on my review of video surveillance footage and law enforcement reports, I have learned, among other things, that on or about May 1, 2020, there was a shooting in the vicinity of a housing complex located in the Bronx, New York (the "Housing Complex").

5. Based on my review of the video surveillance footage from the Housing Complex, I have learned, among other things, that the following events occurred on or about May 1, 2020:

a. At approximately 11:53 a.m., an individual later identified as DONALD WILLIAMS, the defendant ("Individual-1") and another person ("Witness-1") are captured on video surveillance together directly outside a rear entrance to a building in the Housing Complex (the "Building"). Witness-1 enters the Building, but Individual-1 hovers outside, apparently looking for someone. Individual-1 then brandishes what appears to be a firearm and begins to run after two individuals walking around the Housing Complex (the "Victims").

b. At approximately 11:54:20 a.m., the Victims are captured on video surveillance ducking and trying to stay low to the ground.

c. At approximately 11:54:44 a.m. Individual-1 runs back to and enters the Building, where he reunites with

Witness-1. Individual-1 and Witness-1 then run up a stairwell in the Building.

6. Based on my conversations with other law enforcement officers and my review of law enforcement records, I have learned, among other things, that:

a. The NYPD published Wanted Flyers containing still images from the video surveillance footage. Those images depicted Individual-1 and Witness-1.

b. The shooting was also in the news.

7. Based on my own conversations with Witness-1 as well as my conversations with other law enforcement officers who spoke with Witness-1 and my review of law enforcement records documenting those discussions, I have learned, among other things, that:

a. On or about May 18, 2020, Witness-1 went to an NYPD precinct and informed the NYPD, among other things, that Witness-1 and DONALD WILLIAMS, the defendant, were the two individuals pictured on the Wanted Flyers and/or featured in the news about the shooting.

b. On or about April 30, 2020—the night before the shooting—DONALD WILLIAMS, the defendant, had an altercation with at least one of the Victims.

c. On or about May 1, 2020, Individual-1 gave Witness-1 a box of bullets to carry in Witness-1's bag. The box of bullets was labeled either ".360 caliber" or ".380 caliber."

d. On or about May 1, 2020, DONALD WILLIAMS, the defendant, and Witness-1 went to the Housing Complex. They were about to enter the Building when WILLIAMS pulled out a gun and ran after men while firing shots. Witness-1 heard approximately 4 to 5 gun shots. After WILLIAMS fired the shots, he ran back to Witness-1 and the two of them went into the Building, where a friend of WILLIAMS lived.

8. Based on my review of law enforcement reports and conversations with other law enforcement officers, I have learned, among other things, that:

a. An individual's vehicle was parked at the Housing Complex.

b. Prior to May 2, 2020, the last time that the individual had checked on the individual's parked vehicle was

approximately ten days earlier. There were no bullet holes in the vehicle at that time.

c. On or about May 2, 2020, the individual discovered a bullet hole on the passenger side of the individual's vehicle and a bullet fragment by a tire on the vehicle.

d. Upon further investigation, NYPD officers discovered a deformed bullet and two cartridge casings, .380 caliber, Winchester, behind the Building, which law enforcement officers believe were from the shooting described above.

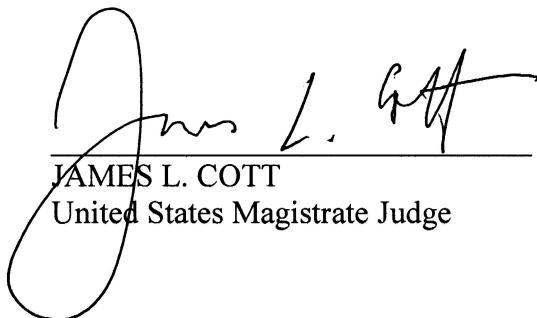
9. Based on my review of a report from a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms and ammunition, I have learned that the recovered .380 caliber cartridge casings were not manufactured in New York State.

WHEREFORE, deponent respectfully requests that a warrant issue for the arrest of DONALD WILLIAMS, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

 /s/Kenneth Maccalla
Kenneth Maccalla
Detective
New York City Police Department

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1 this,

2nd day of September, 2020


JAMES L. COTT
United States Magistrate Judge